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Fouquette, a 43-year-old Web designer, is banking on the U.S. government's visa lottery for skilled workers, hoping his Taiwanese partner, Ming-Jer Lee – who holds a doctorate in electrical engineering from UC Irvine – will be among the winners. That's because unlike straight couples, same-sex partners can't apply for a green card.

"They can't recognize our relationship for him to immigrate, or for us to stay together," said Fouquette, who met Lee, 39, shortly after he came to California for graduate school on a student visa. "We've been lucky. But should we have to (be)?"

About 35,000 people in the United States are in same-sex binational relationships, according to Immigration Equality, an advocacy group focused on immigration law for same-sex couples. Foreign partners usually strive to obtain a skilled-worker visa or employer-sponsored green card independently. Those who can't may wind up shuttling back and forth between countries on a travel visa, said Rachel Tiven, executive director of Immigration Equality.

"Nothing has the 'golden ticket' aspect that marriage does," she said. "The irony is, our couples say 'we're dying to have the opportunity to prove how bona fide these relationships are. ... Gay and lesbian couples just want the same opportunity to prove their families deserve to stay together.'"

In fact, it can be easier for foreign same-sex couples to come here together temporarily than for a U.S. citizen to bring over his or her partner, said Louis Piscopo, an Anaheim-based

immigration attorney. That's because U.S. immigration law prohibits giving visitor visas to people who intend to live here permanently but lets short-term workers apply to bring dependents with them when they take jobs in the United States, he said.

Generally speaking, a marriage was deemed valid in the United States so long as it was valid in the country where it occurred, immigration attorneys said. That changed a little over a decade ago when Congress passed a law defining marriage strictly as a between a man and a woman – ruling out the possibility for same-sex couples who marry abroad to seek immigration benefits.

In fact, some same-sex couples who plan to move to the United States are deciding not to get married abroad or seek domestic partnership recognition in states like California, fearing that U.S. immigration officers might deny them a travel visa because of their personal ties to a U.S. citizen.

Martha McDevitt-Pugh moved from Oakland to the Netherlands eight years ago to be with her partner. Now, she would like to return to California to be closer to her mother, who just turned 79, but hasn't yet found a way for her partner to obtain a visa. While the couple is married in the Netherlands, they don't qualify for a green card here.

"It's not very easy," said McDevitt-Pugh, who founded a group called Love Exiles to offer support to same-sex couples who are facing this predicament abroad. "It's a really insecure existence."

Immigration Equality is lobbying for a bill that would let same-sex couples petition for immigration benefits for their partners much as a straight couples do. Under the proposed Uniting American Families Act, same-sex "permanent partners" could present documents – joint tax filings, property records, bank accounts – to prove their relationship and petition for a green card.

But the bill died during the last two sessions of Congress and has languished for nearly a year in a House immigration subcommittee. One reason is the proposal faces opposition from lawmakers aiming to tighten immigration laws as well as those who oppose same-sex marriage.

Rep. John Campbell, R-Irvine, said the proposal could create more opportunities for fraud in an immigration system that lawmakers are struggling to tighten. "There are a number of well-known abuses where marriages have been arranged for someone to gain access to the United States," he said. "It would be even easier to do if you allowed domestic partnerships."

Getting any immigration bill through Congress with the issue so hot – especially in an election year – is unlikely.

"Immigration legislation, other than new restrictions, are not getting through Congress right now," said Louis DeSipio, political science professor at UC Irvine. "If every member of Congress could get his or her pet issue through, there's no pressure to come up with a broader compromise."

Until now, Fouquette and Lee say they have found ways to work within the system. The couple couldn't qualify for graduate housing at UC Irvine because they didn't form a domestic partnership under California law – precisely to avoid tampering with Lee's eligibility for certain visas. But the pair isn't too worried, knowing Lee has options because of his work in the semiconductor industry.

"I always have a plan," Lee said. "We have a plan for the worst (scenario)."

"Neither of us are complaining about the way things have worked out for us," said Fouquette, who started a home-based consulting business to be able to move in response to Lee's job and

visa offers. "How can you complain too much? Because we don't have to leave, we don't have to split up. Compared to other couples, we're lucky."